

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

RICHARD MCKINNEY §
§
V. § CASE NO. 4:10-CV-00558
§ Judge Schneider/Judge Mazzant
TEXAS DEPARTMENT OF §
PUBLIC SAFETY, ET AL. §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On July 29, 2011, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations Defendant Sergeant Heath Peacock's Motion for Summary Judgment (Dkt. #37) should be granted.

The Court, having made a *de novo* review of Plaintiff's construed objections (Dkt. #47), is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Defendant Sergeant Heath Peacock's Motion for Summary Judgment (Dkt. #37) is **GRANTED** and Plaintiff's claims against Sergeant Peacock are dismissed with prejudice.

It is SO ORDERED.

SIGNED this 16th day of August, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE